

**DECLARATION IN CO-PENDING APPLICATION  
CONTAINING ADDITIONAL SUBJECT MATTER  
AND POWER OF ATTORNEY**

As & below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if any one name is listed below) or a joint inventor (if plural inventors are named below) of the improvement in

**BEAR DERIVED ISOLATE AND METHOD**

described and claimed in the foregoing specification, that I have reviewed and understand the contents of the specification and the claims, that this application in part discloses and claims subject matter disclosed in my earlier filed application Serial Nos. 08/470,750, filed June 6, 1995; 08/259,788, filed June 14, 1994; and 08/079,089, filed June 16, 1993; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that no application for patent or inventor's certificate on said invention has been filed by me or my representatives or assigns in any country foreign to the United States, except as follows:

that, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application, and that no application for patent or inventor's certificate on said invention has been filed by me or my representatives or assigns in any country foreign to the United States of America, except as follows:

None

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jack E. Dominik, Registration No. 17,620

Address all telephone calls to Jack E. Dominik, at (305) 556-7000.

Address all correspondence to Jack E. Dominik, Esq., Suite 225,  
Miami Lakes Corporate Plaza, 6175 N.W. 153rd Street, Miami Lakes, Florida  
33014.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or  
first inventor

Ralph A. Nelson 1-A

Inventor's signature

Ralph A. Nelson

Dated: 4/3/97

Residence:

2 Illini Circle, Urbana, Illinois

Citizenship:

the United States of America

Post Office Address:

2 Illini Circle, Urbana, Illinois

Full name of second  
joint inventor

Patricia G. Miers 2-00

Inventor's signature

Patricia G. Miers

Dated: 3/27/97

Residence

1289 Lantana Street, Camarillo, California

Citizenship

the United States of America

Post Office Address

1289 Lantana Street, Camarillo, California

Full name of third  
joint inventor

Kenneth L. Rinehart 3-00

Inventor's signature

Kenneth L. Rinehart

Dated: April 2, 1997

Residence

1306 South Carle Avenue, Urbana, Illinois

Citizenship

the United States of America

Post Office Address

1306 South Carle Avenue, Urbana, Illinois

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) - NOT FOR PROFIT CORPORATION**

Applicants : Ralph A. Nelson, et al  
Serial No. : Not yet known  
Filed : Simultaneously herewith  
For : BEAR DERIVED ISOLATE AND METHOD

I hereby declare that I am

- [ ] the owner of the small business concern listed below:  
 an official of the not for profit corporation empowered to act on behalf of the not for profit corporation identified below:

**NAME OF NOT FOR PROFIT CORPORATION: CARLE DEVELOPMENT FOUNDATION  
ADDRESS OF CONCERN: 611 West Park Street, Urbana, Illinois 61801**

I declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **BEAR DERIVED ISOLATE AND METHOD** by inventor(s) described in

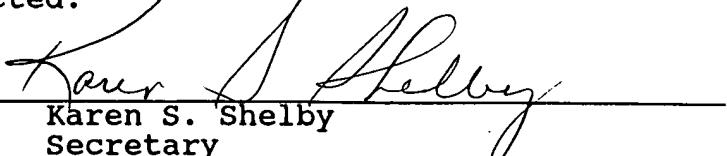
- the specification filed herewith  
[ ] application Serial No.--, filed--  
[ ] Patent No.--, issued--

If the rights held by the above-identified business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which could not qualify as a small business concern under CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application for patent, notification of any change in the status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which the status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: April 3, 1997

By   
Karen S. Shelby  
Secretary